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CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

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6 *Attorneys for the United States*

7 **UNITED STATES DISTRICT COURT**  
 8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 ALAN RAY,

13 Defendant.

Case No. 2:20-mj-1098-VCF

14 ORDER to Continue the Preliminary  
 15 Hearing (Third Request)

16 It is hereby stipulated and agreed, by and between Christopher Chiou, Acting United  
 17 States Attorney, through Jim W. Fang, Assistant United States Attorney, and Kathryn  
 18 Newman, Assistant Federal Public Defender, counsel for Defendant, that the preliminary  
 19 hearing in the above-captioned matter, previously scheduled for March 4, 2021, at 4:00  
 20 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 60  
 21 days from the current setting.

22 1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the  
 23 defendant’s consent and upon a showing of good cause—taking into account the public  
 24 interest in the prompt disposition of criminal cases—a magistrate judge may extend the time  
 25 limits [for preliminary hearings] one or more times.” Here, the parties desire to explore the

1 potential to resolve this matter before defendants are formally charged by a criminal  
2 indictment.

3       2. In that regard, the government has provided defense counsel with limited  
4 Rule 16 discovery in order to facilitate pre-indictment resolution. The parties are in active  
5 plea negotiations and require more time to resolve this matter pre-indictment.

6       3. This continuance is not sought for the purposes of delay, but to allow the  
7 parties to thoroughly vet the case and reach an agreement as to the final resolution of this  
8 case.

9       4. Defendant is in custody and agrees to the continuance.

10       5. Denial of this request could result in a miscarriage of justice, and the ends of  
11 justice served by granting this request outweigh the best interest of the public and the  
12 defendants in a speedy trial.

13       6. The additional time requested by this stipulation is excludable in computing  
14 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.  
15 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

16                   DATED this 2nd day of March, 2021.

17                   CHRISTOPHER CHIOU  
18                   Acting United States Attorney

19                   s/ Jim W. Fang  
20                   JIM W. FANG  
21                   Assistant United States Attorney  
22                   *Counsel for the United States*

23                   s/ Kathryn Newman  
24                   KATHRYN NEWMAN  
25                   Assistant Federal Public Defender  
26                   *Counsel for Defendant*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

Case No. 2:20-mj-1098-VCF

ALAN RAY,

## **FINDINGS AND ORDER**

Defendant.

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution, and the government has provided defense counsel with limited Rule 16 discovery for that purpose. The parties are in active plea negotiations and require more time to resolve this matter pre-indictment. The Court finds good cause to continue the hearing to allow the parties to reach a pre-indictment resolution.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is in custody and agrees to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow the parties to thoroughly vet the case and reach an agreement as to the final resolution of this case.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

1       6. The additional time requested by this stipulation is excludable in computing  
2 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.  
3 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

4       THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the  
5 above-captioned matter, previously scheduled for March 4, 2021, at 4:00 p.m., be vacated  
6 and continued to May 10, 2021 at 4:00 PM in LV Courtroom 3D before Magistrate Judge Cam Ferenbach.

7       DATED this 3 day of March, 2021.



8  
9       HONORABLE CAM FERENBACH  
10      UNITED STATES MAGISTRATE JUDGE  
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